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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR05-370-RSL
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 JAMES CHRISTOPHER AYERS,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
_____)

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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on January 27, 2009. The United States was represented by AUSA Susan Roe for Karyn S.
16 Johnson and the defendant by Nancy Tenney. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about March 17, 2006 by the Honorable Robert S.
18 Lasnik on a charge of Tampering with Consumer Products, and sentenced to 12 months plus one
19 day custody, 3 years supervised release.

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant abstain from alcohol, participate in a drug dependency program with testing, submit
22 to search, provide access to financial information, not obtain new credit without approval,

01 participate in mental health treatment, and disclose all assets and liabilities to the probation officer.
02 (Dkt. 35.)

03 On May 3, 2007, defendant admitted violating the conditions of supervised release by
04 failing to report for urinalysis testing, using methamphetamine, and failing to participate in mental
05 health counseling. (Dkt. 38.) Defendant admitted to additional violations of the conditions of
06 supervised release on June 25, 2007, consisting of failing to report for urinalysis testing, using
07 methamphetamine, and using marijuana. (Dkt. 46.) Defendant was sentenced to 4 days in custody
08 with credit for time served, followed by 28 months of supervised release. (Dkt. 52.)

09 On May 23, 2008, defendant admitted violating the conditions of supervised release by
10 failing to comply with the home confinement program, failing to report for urinalysis testing, using
11 methamphetamine, and committing the crime of driving while license suspended. Defendant was
12 sentenced to 60 days imprisonment, followed by 2 years supervised release. (Dkt. 65.)

13 In an application dated December 29, 2008, U.S. Probation Officer Angela M. McGlynn
14 reported the following violations of the conditions of supervised release:

15 1. Failing to work at a lawful occupation as directed, in violation of standard
16 condition No. 5.

17 2. Failing to follow the instructions of the probation officer, in violation of standard
18 condition No. 3.

19 3. Failing to report for urinalysis testing on or about 9/11/08, 10/20/08, 10/21/08,
20 10/22/08, 11/5/08, 11/6/08 (date corrected orally at hearing), and 12/3/08, in violation of the
21 special condition requiring the defendant to submit to urinalysis testing.
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4. Consuming alcohol on or about 12/10/08, in violation of the special condition directing the defendant to abstain from the use of alcohol and/or other intoxicants during the term of supervision.

Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted the alleged violations and waived any evidentiary hearing as to whether they occurred. (Dkt. 69.)

I therefore recommend the Court find defendant violated his supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Lasnik.

Pending a final determination by the Court, defendant has been released on the conditions of supervision.

DATED this 27th day of January, 2009.


Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable Robert S. Lasnik
AUSA: Karyn S. Johnson
Defendant's attorney: Nancy Tenney
Probation officer: Angela M. McGlynn